

ROBBINS GELLER RUDMAN  
& DOWD LLP  
SHAWN A. WILLIAMS (213113)  
Post Montgomery Center  
One Montgomery Street, Suite 1800  
San Francisco, CA 94104  
Telephone: 415/288-4545  
415/288-4534 (fax)  
shawnw@rgrdlaw.com  
– and –  
BRIAN O. O'MARA (229737)  
655 West Broadway, Suite 1900  
Telephone: 619/231-1058  
619/231-7423 (fax)  
bomara@rgrdlaw.com  
lolts@rgrdlaw.com

ROBBINS ARROYO LLP  
BRIAN J. ROBBINS (190264)  
STEPHEN J. ODDO (174828)  
ERIC M. CARRINO (310765)  
600 B Street, Suite 1900  
San Diego, CA 92101  
Telephone: 619/525-3990  
619/525-3991 (fax)  
brobbins@robbinsarroyo.com  
soddo@robbinsarroyo.com  
ecarrino@robbinsarroyo.com

Co-Lead Counsel for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

In re RIPPLE LABS INC. LITIGATION

) Case No. 4:18-cv-06753-PJH  
)

\_\_\_\_\_  
This Document Relates To:

) CLASS ACTION  
)

ALL ACTIONS.

) DECLARATION OF BRIAN O. O'MARA IN  
) SUPPORT OF PLAINTIFFS' NOTICE OF  
) MOTION AND MOTION TO REMAND  
)

DATE: February 13, 2019  
TIME: 9:00 a.m.  
CTRM: 3, 3rd Floor  
JUDGE: Hon. Phyllis J. Hamilton

1 I, BRIAN O. O'MARA, declare as follows:

2 1. I am an attorney duly licensed to practice before all of the courts of the State of  
3 California and before this District Court. I am a member of the law firm Robbins Geller Rudman &  
4 Dowd LLP, counsel of record for Plaintiffs Vladi Zakinov and David Oconer (together, Plaintiffs) in  
5 the above-captioned action. I make this declaration in support of Plaintiffs' Motion to Remand. I  
6 have personal knowledge of the matters stated herein and, if called upon, I could and would  
7 competently testify thereto.

8 2. On August 30, 2018, following stipulation among the parties in *Zakinov, et al. v.*  
9 *Ripple Labs Inc., et al.*, No. 18-CIV-02845 (Cal. Super. Ct. San Mateo Cty.) ("*Zakinov*") and *David*  
10 *Oconer v. Ripple Labs Inc., et al.*, No. 18-CIV-03332 (Cal. Super. Ct. San Mateo Cty.) ("*Oconer*"),  
11 the Honorable Richard H. DuBois ("Judge DuBois") of the ("San Mateo Superior Court") entered an  
12 Order (the "First Consolidation Order")<sup>1</sup> consolidating *Zakinov* and *Oconer* under the caption *In re*  
13 *Ripple Labs Inc. Litig.*, No. 18-CIV-02845 (Cal. Super. Ct. San Mateo Cty.) ("*In re Ripple Labs*").  
14 ECF No. 2-1, Ex. E. The First Consolidation Order ordered Plaintiffs to "either designate a  
15 complaint as operative or file a Consolidated Complaint," and further provided that in the event any  
16 case "which properly belongs as part of the *In re Ripple Labs Inc. Litigation*, is hereafter or has been  
17 filed in, remanded to, or transferred to this Court, counsel for the parties shall . . . **mov[e] the Court**  
18 **for an order consolidating such case(s)** with *In re Ripple Labs*."<sup>2</sup> See ECF No. 2-1, at Ex. E, ¶¶8,  
19 15.

20 3. As directed by the First Consolidation Order, Plaintiffs filed the Consolidated  
21 Complaint for Violations of California Law ("Operative State Law Complaint") on October 15,  
22 2018. ECF No. 2-1, at Ex. A. The Operative State Law Complaint was, and is, the operative  
23 complaint in the consolidated action: *In re Ripple Labs*. A Case Management Conference ("CMC")  
24 was scheduled for November 16, 2018 at 10:30 a.m. ECF No. 2-1, at Ex. F.

25 <sup>1</sup> Consistent with the requirements of the First Consolidation Order, ECF No. 2-1, Ex. E.  
26 Plaintiffs filed a consolidated complaint on October 15, 2018, on behalf of themselves and a "class  
27 consisting of all citizens of California who purchased XRP" against Defendants and asserting claims  
under California Corps. Code §§25110, 25503 and 25504. *Id.* at Ex. A, ¶¶1, 7, 80.

28 <sup>2</sup> All citations and footnotes omitted and emphasis added unless otherwise indicated.

